

Application No.: 10/635,864  
Response dated March 15, 2006  
Reply to Office Action of: December 15, 2005  
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### REMARKS

Reconsideration of the present claims, in light of the Remarks which follow, is respectfully requested.

Claims now before the Examiner are 1-13.

Support for the claim amendment may be found as follows: claim 1 metals, paragraph [0134], page 30 and paragraph [0017], page 5.

The numbering in this Response will follow that of the Examiner's action.

1. & 2. No response necessary.

#### **Double Patenting**

3.-4. *Claims 1-13 stand provisionally rejected over USSN 10/772,823.*

Upon indication of allowable subject matter in the present case, a Terminal Disclaimer will be filed.

#### **Rejections under 35 USC § 102 and/or 35 USC § 103**

5.-7. *Claims 1-19 stand rejected under 35 USC § 102(b) as Anticipated or under 35 USC § 103(a) as Obvious over US 5,639,834 (Debras).*

As amended, claim 1 contains the element "...a residual zirconium or hafnium metal content of 2.0 ppm or less". There is no disclosure in Debras to either zirconium or hafnium.

Additionally, with respect to claim 13, there is no suggestion or disclosure in Debras to two catalysts in a single reactor. Debras achieves bi-modality by use of the same catalyst in two reactors, by varying the hydrogen content from a first to a second reactor. Absent such disclosure, the present claims are not Anticipated nor rendered Obvious by Debras.

Furthermore, the Examiner's holding regarding the patentability of product-by-process claims can also be read as in MPEP § 2113 "... where the manufacturing process steps would be expected to impart distinctive structural characteristics to the final product." Applicants respectfully submit that the differences of residual metal and/or the

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effect of a combination of a metallocene catalyst and a Group 15 containing compound would give rise to the aforementioned "distinctive structural characteristics".

Accordingly, withdrawal of the Rejections is respectfully requested.

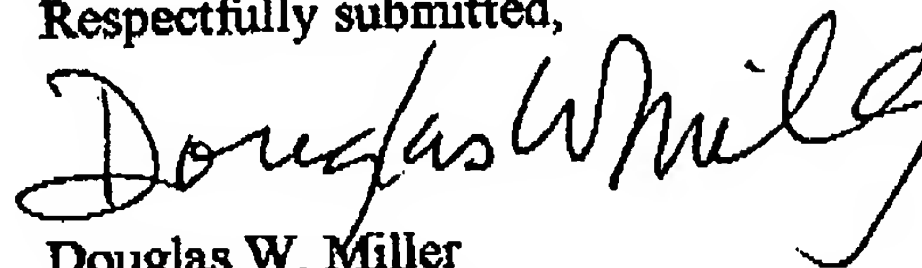
The claims are in condition for allowance.

Note is made that the correspondence should be sent to:

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Respectfully submitted,



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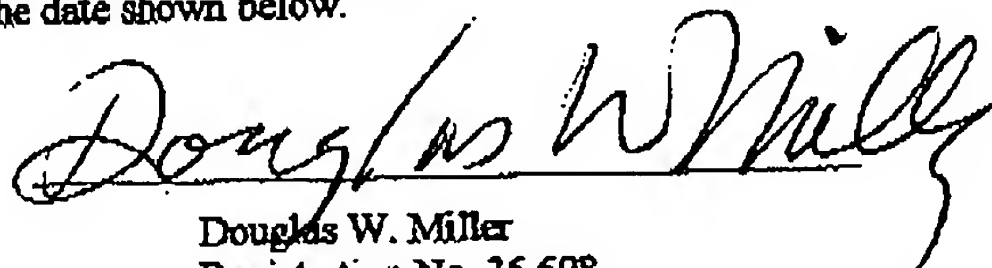
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CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

March 15, 2006

Date



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